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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
Office Action Comments	10/660,343	SCHOONMAKER ET AL.				
Office Action Summary	Examiner	Art Unit				
	Nathan Erb	3628				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on						
	•					
,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
,	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-28</u> is/are pending in the application.		•				
· · · · · · · · · · · · · · · · · · ·	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-28</u> is/are rejected.						
7) Claim(s) is/are objected to.	•					
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10)⊠ The drawing(s) filed on 04 March 2004 is/are: a	10)⊠ The drawing(s) filed on <u>04 March 2004</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>						
* See the attached detailed Office action for a list of the state of t	of the certified copies not receive  4)   Interview Summary					
Notice of References Cited (PTO-892)     Notice of Draftsperson's Patent Drawing Review (PTO-948)	(PTO-413) te					
3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application  Other:						

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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 6 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per <u>Claim 6</u>, claim 6 recites the limitation "the meters" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim.

As per <u>Claim 25</u>, the phrase "an event" appears in the first line of the claim. This element/limitation also appears in the second line of claim 24, from which claim 25 depends. It is unclear if the same or a different "event" is being referred to.

## Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 16 and 19-28 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. In order to be patentable, an invention involving an abstract idea must produce a useful, concrete, and tangible result. State Street Bank & Trust Co. v. Signature Financial Group Inc., 47 USPQ2d 1596, 1600-1601 (Fed. Cir. 1998). The

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inventions of these claims do not produce tangible results, for example, some sort of perceivable communication that transmits their results to a user. This could be a step producing a chart, printout, or computer monitor display; however, there are no such outputs in these claims.

Therefore, these claims do not produce tangible results and are not patentable.

## Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1-4, 6-7, 9-10, 12, 14-25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange et al., U.S. Patent No. 5,470,079, in view of Howington, U.S. Patent Application Publication No. US 2002/0152120 A1.

As per Claim 1, LeStrange et al. discloses:

- an accounting system (column 3, lines 7-19);
- a receiver for collecting first meter information from a first unique configuration in a single game unit, and for collecting second meter information from a second unique configuration in the single game unit (Figure 1; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; receiver is central or host computer system 20; a single game machine may be capable of playing multiple different games; different games represent different machine configurations; meter information for different games is recorded separately);

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- wherein a unique configuration includes a unique game (column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations);

- a database for storing the collected information (column 4, line 56, through column 5, line 45).

LeStrange et al. fails to disclose wherein a unique configuration includes a unique denomination. Howington discloses wherein a unique configuration includes a unique denomination (paragraph [0004]; paragraphs [0029]-[0030]; paragraph [0036]; claim 16; combining the configuration-defining attributes of game and denomination into a single invention makes the configuration a combination). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that a unique configuration includes a unique denomination, as disclosed by Howington. Motivation is provided by Howington in that tracking denomination of a machine allows other tracked parameters to be compared on the basis of the denomination of machines (paragraph [0036]).

As per <u>Claim 2</u>, LeStrange et al. further discloses wherein the first meter information is coin-in for the first unique configuration (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; according to p. 10, lines 26-28, of applicants' specification, the coin-in meter measures the total coins wagered in a configuration; this corresponds to the "game play meter" of the reference).

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As per Claim 3, LeStrange et al. further discloses wherein the receiver is structured to also collect coin-out information for the first unique configuration (Figure 1; column 4, line 56, through column 5, line 45; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; according to p. 10, lines 26-32, of applicants' specification, a total coin-out meter measures the total coins paid as a result of a winning outcome generated by a configuration; this corresponds to the "game out meter" of the reference).

As per <u>Claim 4</u>, LeStrange et al. further discloses wherein the coin-out information does not include system bonus payments (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; according to p. 10, lines 26-32, of applicants' specification, a total coin-out meter measures the total coins paid as a result of a winning outcome generated by a configuration and does not include system bonus payments; therefore, system bonus payments are not coins paid as a result of a winning outcome generated by a configuration; total coin-out meter corresponds to the "game out meter" of the reference, which the reference only describes as being incremented as a result of a win on a machine; therefore, the "game out meter" of the reference would not measure system bonus payments).

As per <u>Claim 6</u>, LeStrange et al. further discloses wherein the first meter information and second meter information are subsets of all of the meters stored in the single game unit (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

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As per <u>Claim 7</u>, LeStrange et al. further discloses wherein the first meter information is only collected if the first meter information is non-zero information (column 4, lines 18-34; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; game meter information is only transferred to host computer if the game is played and then the player switches to another game; therefore, if a game has not been played, its zero meter values will not be transferred to and collected by the host computer).

As per <u>Claim 9</u>, LeStrange et al. further discloses wherein the first meter information is collected at the end of a gaming session of the first unique configuration (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per <u>Claim 10</u>, LeStrange et al. further discloses a calculator structured to generate additional information from the collected information (Figure 1; column 3, lines 7-19; column 3, lines 39-56; column 4, line 56, through column 5, line 45; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 9, lines 48-67; column 11, line 59, through column 12, line 40; in light of applicants' specification, "additional information" is being interpreted to include actual win percentage, which is simply another way of expressing actual hold percentage).

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As per Claim 12, LeStrange et al. further discloses wherein the calculator is structured to generate a hold percentage for the first unique configuration during a certain time period (Figure 1; column 3, lines 7-19; column 3, lines 39-56; column 4, line 56, through column 5, line 45; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 9, lines 48-67; column 11, line 59, through column 12, line 40).

As per <u>Claim 14</u>, LeStrange et al. fails to disclose a reporter structured to gather and present portions of the stored information. Howington discloses a reporter structured to gather and present portions of the stored information (Figure 5; Figure 6; Figure 7; Figure 8; Figure 9; Figure 10; paragraph [0040]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that it includes a reporter structured to gather and present portions of the stored information, as disclosed by Howington. Motivation is provided by Howington in that casinos track gaming machine performance for regulatory and revenue-generating reasons (paragraph [0003]; paragraph [0006]).

As per Claim 15, LeStrange et al. fails to disclose a reporter structured to gather and present portions of the stored information and from the additional information. Howington discloses a reporter structured to gather and present portions of the stored information and from the additional information (Figure 5; Figure 6; Figure 7; Figure 8; Figure 9; Figure 10; paragraph [0040]; in light of applicants' specification, "additional information" is being interpreted to include actual win percentage, which is simply another way of expressing actual hold

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percentage). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 10 such that it includes a reporter structured to gather and present portions of the stored information and from the additional information, as disclosed by Howington. Motivation is provided by Howington in that casinos track gaming machine performance for regulatory and revenue-generating reasons (paragraph [0003]; paragraph [0006]).

# As per Claim 16, LeStrange et al. discloses:

- a method of accounting for networked gaming devices (Figure 1; column 3, lines 7-19; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; claims 1 and 14-16);
- accepting values from more than one unique configuration from a single game unit (Figure 1; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations; meter information for different games is recorded separately);
- wherein a unique configuration includes a unique game (column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations);
  - storing the accepted values (column 4, line 56, through column 5, line 45).

LeStrange et al. fails to disclose wherein a unique configuration includes a unique game denomination. Howington discloses wherein a unique configuration includes a unique game

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denomination (paragraph [0004]; paragraphs [0029]-[0030]; paragraph [0036]; claim 16; combining the configuration-defining attributes of game and game denomination into a single invention makes the configuration a combination). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that a unique configuration includes a unique game denomination, as disclosed by Howington. Motivation is provided by Howington in that tracking denomination of a machine allows other tracked parameters to be compared on the basis of the denomination of machines (paragraph [0036]).

LeStrange et al. fails to disclose accepting queries to the accepted values to extract a subset of the stored values. Howington discloses accepting queries to the accepted values to extract a subset of the stored values (Figures 4-6; paragraph [0015]; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that it accepts queries to the accepted values to extract a subset of the stored values, as disclosed by Howington. Motivation is provided by Howington in that accepting queries to stored values helps casino management to track performance of particular gaming machines (paragraph [0034]; paragraph [0037]).

As per <u>Claim 17</u>, LeStrange et al. fails to disclose reporting the subset of stored values. Howington further discloses reporting the subset of stored values (Figures 4-6; paragraph [0015]; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 16 such that it reports the subset of stored values, as disclosed by Howington.

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Motivation is provided by Howington in that reporting the subset of stored values helps casino management to track performance of particular gaming machines (paragraph [0034]; paragraph [0037]).

As per Claim 18, LeStrange et al. and Howington fail to disclose wherein reporting comprises printing. However, that element/limitation was well-known to one of ordinary skill in the art at the time of applicants' invention. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 17 such that reporting comprises printing, as was well-known to one of ordinary skill in the art at the time of applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicants' invention that paper is a convenient medium for reporting information.

As per <u>Claim 19</u>, LeStrange et al. further discloses wherein each unique configuration has a unique identifier (column 11, line 59, through column 12, line 40).

As per Claim 20, LeStrange et al. fails to disclose wherein the single game unit has an identifier unique from any other game unit in the network of gaming devices. Howington discloses wherein the single game unit has an identifier unique from any other game unit in the network of gaming devices (Figures 4-6; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 19 such that the single game unit has an

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identifier unique from any other game unit in the network of gaming devices, as disclosed by Howington. Motivation is provided by Howington in that a machine identifier is used to differentiate the various gaming machines in the network for helping casino management to track performance of particular gaming machines (Figures 4-6; paragraphs [0029]-[0037]).

As per <u>Claim 21</u>, LeStrange et al. further discloses wherein accepting values comprises accepting meter values (Figure 1; column 4, line 56, through column 7, line 25; column 11, line 59, through column 12, line 40).

As per Claim 22, LeStrange et al. further discloses wherein accepting meter values comprises accepting meter values only if they are non-zero values (column 4, lines 18-34; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; game meter information is only transferred to host computer if the game is played and then the player switches to another game; therefore, if a game has not been played, its zero meter values will not be transferred to and collected by the host computer).

As per Claim 23, LeStrange et al. further discloses wherein accepting meter values comprises accepting fewer than all of the available meter values in the single game unit (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

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As per <u>Claim 24</u>, LeStrange et al. further discloses wherein accepting meter values comprises accepting meter values after an event (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per <u>Claim 25</u>, LeStrange et al. further discloses wherein an event is the end of a session of the configuration (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per Claim 28, LeStrange et al. further discloses generating calculated values from the stored accepted values (Figure 1; column 3, lines 7-19; column 3, lines 39-56; column 4, line 56, through column 5, line 45; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 9, lines 48-67; column 11, line 59, through column 12, line 40).

7. Claims 5, 8, 13, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange et al. in view of Howington in further view of Britt et al., U.S. Patent Application Publication No. US 2003/0069071 A1.

As per Claim 5, LeStrange et al. further discloses wherein the coin-out information includes monetary value paid directly by the single game unit (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60). LeStrange et al. further discloses wherein the coin-out information includes monetary value generated by the single game unit for the first unique configuration (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40;

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according to p. 10, lines 26-32, of applicants' specification, a total coin-out meter measures the total coins paid as a result of a winning outcome generated by a configuration; this corresponds to the "game out meter" of the reference). LeStrange et al. and Howington fail to disclose monetary value being paid in the form of a hand pay. Britt et al. discloses monetary value being paid in the form of a hand pay (paragraph [0925]; paragraph [0935]; paragraph [0944]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 3 such that monetary value is paid in the form of a hand pay, as disclosed by Britt et al. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicants' invention that hand pays are a common method for casinos to pay out winnings to customers; therefore, it would make sense to take hand pays into consideration in a gaming accounting system.

As per <u>Claim 8</u>, LeStrange et al. and Howington fail to disclose wherein the first meter information is collected at a regular interval. Britt et al. discloses wherein the first meter information is collected at a regular interval (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 1 such that the first meter information is collected at a regular interval, as disclosed by Britt et al. Motivation is provided by Britt et al. in that collecting the information at regular intervals keeps the central monitoring system updated (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]).

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As per Claim 13, LeStrange et al. and Howington fail to disclose wherein the calculator is structured to generate a hold percentage for all unique configurations in the single game unit. Britt et al. discloses wherein the calculator is structured to generate a hold percentage for all unique configurations in the single game unit (Figure 1; Figure 26; Figure 27; paragraphs [0087]-[0089]; paragraphs [0239]-[0248]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 10 such that the calculator is structured to generate a hold percentage for all unique configurations in the single game unit, as disclosed by Britt et al. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicants' invention that casinos compare theoretical hold percentage to actual hold percentage to measure the performance of a gaming machine.

As per Claim 26, LeStrange et al. and Howington fail to disclose wherein accepting values comprises accepting values at established time intervals. Britt et al. discloses wherein accepting values comprises accepting values at established time intervals (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 16 such that accepting values comprises accepting values at established time intervals, as disclosed by Britt et al. Motivation is provided by Britt et al. in that collecting the information at regular intervals keeps the central

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monitoring system updated (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]).

As per Claim 27, LeStrange et al. and Howington fail to disclose wherein an established time interval is once per day. Britt et al. discloses wherein an established time interval is once per day (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 26 such that an established time interval is once per day, as disclosed by Britt et al. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicants' invention that a day is a common time interval to choose for breaking up data over time periods.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange et al. in view of Howington in further view of Rowe et al., U.S. Patent Application Publication No. US 2002/0187834 A1.

As per <u>Claim 11</u>, LeStrange et al. and Howington fail to disclose wherein the calculator is further structured to generate the additional information from other information. Rowe et al. further discloses wherein the calculator is further structured to generate the additional information from other information (paragraph [0014]; paragraphs [0106]-[0111]; in light of applicants' specification, additional information is interpreted here to include theoretical hold percentage and other information is interpreted to include player inputs). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the

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invention of LeStrange et al. as modified in the rejection for claim 10 such that the calculator is further structured to generate the additional information from other information, as disclosed by Rowe et al. Motivation is provided by Rowe et al. in that calculating theoretical hold percentage can be used to target particular players for casino rewards (paragraph [0014]; paragraphs [0106]-[0111]).

#### Conclusion

- 9. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.
- 10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb Examiner Art Unit 3628

nhe

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SUPERVISORY PATENT EXAMINER